

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

DAVID EARL MILLER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:18-cv-01234
)	JUDGE CAMPBELL
TONY PARKER, et al.,)	
)	
Defendants.)	

NOTICE

On November 15, 2018, this Court enjoined Defendants “from denying Plaintiffs’ attorney-witness access to a telephone during their executions.” Doc. No. 20, p. 1. Defendants have not appealed that order and will comply with it during Plaintiff Miller’s execution currently scheduled for December 6, 2018.

Accordingly, the Defendants hereby give notice that Plaintiff Miller’s attorney-witness shall have immediate access to a land line telephone during the time preceding and during the execution. The telephones are located in the official witness room adjacent to, and with visual access to, the execution chamber, the death watch cell area, and the execution chamber. To operate any one of these telephones, the user will lift the receiver and enter the desired area code and telephone number, which will generate two beeps. To complete the call, the user will then enter a PIN. Each telephone operates in the same manner using the same PIN.

The attorney-witness shall be provided written telephone instructions and PIN, along with other security credentials, on the day of the execution no later than 5:30 p.m. upon arrival and check-in at Riverbend Institution in accordance with the Department's Lethal Injection Protocol.¹

Respectfully submitted,

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Attorney General and Reporter

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¹ "Official witnesses report to the Administration Building conference room no later than 5:30 p.m. They are greeted by Escort Officers, processed through checkpoint, and moved to the Parole Room in Building 8, where they remain until final movement to the witness room." Execution Procedures for Lethal Injection, at p. 64.

CERTIFICATE OF SERVICE

I certify that, on the 21st day of November 2018, a copy of the foregoing Notice was filed and served by operation of the Court's ECF/PACER system on the following counsel for the Plaintiff: Stephen M. Kissinger, Asst. Federal Community Defender, 800 S. Gay Street, Suite 2400, Knoxville, TN 37929.

/s/ Scott C. Sutherland

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Deputy Attorney General